



Environmental Fact Sheet

U.S. Environmental Protection Agency Region 10

May 2003

How to apply for an Arsenic Exemption

The Environmental Protection Agency (EPA) finalized a new drinking water standard for arsenic in January 2001. The arsenic standard was lowered from 50 to 10 parts per billion (ppb). Water systems are required to comply with the new standard by January 23, 2006.

This fact sheet will help you determine whether or not your water system is eligible for an arsenic exemption. It also explains how to apply for an exemption if you are eligible.

What is an exemption?

An exemption does not exempt a water system from complying with the arsenic standard. Instead, it provides additional time to comply. An extension can provide water systems with between 3-9 additional years to comply with the new standard depending on the number of people served by the water system and the arsenic concentration present in the system.

Is my system eligible for an arsenic exemption?

You may want to consider applying for an exemption if you can show that your system has entered into a written and enforceable agreement to become part of a regional water system, or if you can provide documentation indicating the following:

- The system was in operation by February 22, 2002, or if not in operation by February 22, 2002, the system has no reasonable alternative source of drinking water.
- The arsenic concentration is less than 35 ppb.
- The system requires capital improvements to meet the standard of 10 ppb that cannot be completed prior to January 23, 2006.

- The system cannot make management and/or restructuring changes that would result in compliance (e.g., increase rates, change accounting practices, consolidate with another system).
- The system has entered into an agreement to receive the financial assistance necessary to meet the new standard or can show that such financial assistance is reasonably likely to be available within the period of the exemption.
- The system cannot obtain or develop an alternative source of water supply by January 23, 2006.

If the system cannot provide the information indicated above, as well as additional documentation referred to in the forms accompanying this letter, then it is unlikely that an exemption will be granted.

How do I apply for an exemption?

First, you should determine whether you are eligible for an exemption based on the six areas identified in question 2.

Second, if you believe you are eligible, then you need to complete the "Application for Arsenic Exemption" that accompanies this fact sheet.

Third, you need to provide the supporting information that will be reviewed to determine whether your system qualifies for an exemption. The required information is indicated on the "Required Documentation for Arsenic Exemption" that accompanies this introductory letter.

Fourth, although EPA will be reviewing the exemption requests, IDEQ has agreed to serve as an intermediary. Therefore, please submit your completed application materials to:

**Arsenic Exemption Coordinator
Drinking Water Program
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706**

Who will evaluate the exemption request?

EPA will evaluate exemption requests submitted from public water systems in Idaho until January 23, 2005. After that date, the Idaho Department of Environmental Quality (IDEQ) assumes responsibility for evaluating exemption requests.

EPA is responsible for reviewing the exemption requests because the State of Idaho requested, and was granted, an extension for assuming responsibility for the new arsenic standard until January 23, 2005.

What will EPA do with the application materials?

EPA will review the information provided by the water system and make a determination whether to grant or deny the exemption request.

If EPA grants the exemption request, it will provide the system with a compliance schedule for making the needed improvements and provide an opportunity for a public hearing on the exemption request and proposed schedule.

If EPA denies the exemption request, it will notify the system of the reason(s) for the denial and provide an opportunity to the system to submit additional information to EPA.

If I have questions or need assistance who can I contact?

If you have questions regarding exemption eligibility or the application process contact:

Bill Jarocki, Director
EPA Environmental Finance Center
Phone: 208-426-1567
E-mail: bjarock@boisestate.edu
